IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 2003 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 25/11/2001 in WP NO : 21577 OF 2004 on the file of the High Court.)

Between:

P.V.Adenna, S/o.Venkatappa,
Varadayapalli Village, Peddapappur Mandal, Ananthapur District.

..... APPELLANT

AND

1 Smt. B.Nagarathnamma, W/o.B.Narayanappa,
R/o.Varadayapalli Village, Peddapappur Mandal, Ananthapur Dist.
2 The Joint Collector, Ananthapur District at Ananthapur.
3 The Revenue Divisional officer, Ananthapur District, at Ananthapur.
4 The Mandal Revenue officer, Peddapappur Mandal, Ananthapur Dist.

.....RESPONDENTS

Counsel for the Appellant: MR.N.RANGA REDDY

Counsel for the Respondent No.1: M/S C.KODANDA RAM

Counsel for the Respondent Nos.2 to 4: The Govt. Pleader for Revenue

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Challenge by the appellant, who was not a party to the writ petition, is to the order passed by learned single Judge disposing of the writ petition filed by the first respondent with direction to the second respondent to expedite the matter in relation to enquiry into the allegations against the respondent No.1 and pass final order in accordance with law within four weeks. Learned single Judge further directed that till final decision is taken, respondent No.1 shall be entitled to continue as a Fair Price Shop dealer.

By order dated 2nd August, 2004, authorization held by the writ petitioner-respondent No.1 as a Fair Price Shop dealer, Varadayapalli village was suspended pending enquiry. Mandal Revenue Officer, Peddapappur Mandal was instructed to make alternative arrangements to avoid inconvenience to the card-holders. Charges, on the face of the record, are very serious and the order of Revenue Divisional Officer, Anantapur says that on perusal of explanation to the show cause notice as well as the previous record of the Fair Price Shop dealer (writ petitioner-respondent No.1) is not convincing. In the previous proceedings, respondent No.1-writ petitioner was imposed fine of Rs.1,000/- with confiscation of stock to the Government. Taking these two grounds as serious enough, orders of suspension pending enquiry were passed. Appeal preferred against the order was dismissed. At the initial stage, it was challenged by respondent No.1-writ petitioner in this court. Writ Petition was disposed of with direction to the appellate authority to decide the appeal afresh on merits in accordance with law and till then, the order of suspension itself was put under suspension. Joint Collector and Additional District Magistrate heard the appeal and on 6-11-2004, dismissed the appeal declining to set aside the order of suspension saying that there is absolutely no ground to set aside the said order of suspension in view of the seriousness of the charges against first respondent-writ petitioner. The said order was again challenged in the writ petition without impleading the appellant herein as a party, at whose complaint the entire

proceedings had been initiated against the respondent No.1-writ petitioner. Learned single Judge without going into the legality and validity of the order passed by the Joint Collector in appeal, directed disposal of the enquiry proceedings within a period of four weeks and without assigning further reasons, directed that respondent No.1-writ petitioner shall be entitled to continue as a dealer. This order permitting respondent No.1-writ petitioner to continue as a dealer is untenable in law and cannot be upheld. Once the authority, exercising powers under the relevant provisions, came to the conclusion that there are serious charges to be gone into, which have of course to be decided in the enquiry, decided to put the authorization under suspension and appeal against the said order also failed, which order was not set aside by the learned single Judge, there was absolutely no justification in permitting respondent No.1-writ petitioner to continue to run the Fair Price Shop. Order passed by learned single Judge to that extent being bad in law, is liable to be set aside.

Appeal is allowed and impugned order passed by learned single Judge directing that respondent No.1-writ petitioner shall continue to run the Fair Price Shop is set aside.

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DEVINDER GUPTA, CJ

10-12-2004

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M.NARAYANA REDDY, J

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To

1 The Joint Collector, Ananthapur District at Ananthapur.
2 The Revenue Divisional officer, Ananthapur District, at Ananthapur.
3 The Mandal Revenue officer, Peddapappur Mandal, Ananthapur Dist.

4 2 CCs to the Govt. Pleader for Revenue, High Court buildings,

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